

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE (HARVARD CORPORATION),

Defendant.

Civil Action No. 1:14-cv-14176-ADB

PLAINTIFF'S MOTION TO IMPOUND
JULY 8, 2016 LETTER

Pursuant to Local Rule 7.2 and this matter's Stipulated Protective Order (Dkt. No. 55), Plaintiff, Students for Fair Admissions, Inc. ("SFFA"), hereby brings this motion to give this Honorable Court the option to impound SFFA's July 8, 2016 letter to Judge Burroughs ("Letter") which responds to the Supreme Court's decision in *Fisher v. University of Texas at Austin*, --- S. Ct. ---, No. 14-981 (June 23, 2016) and addresses the scope of discovery going forward in this matter. The Letter contains two appendices and three exhibits. The Letter and its two appendices contain information that has been designated by Harvard as "protected material" under the Stipulated Protective Order. This motion is brought in reaction to Harvard's designations. SFFA will be hand-delivering an unredacted courtesy copy of the Letter, along with its appendices and exhibits, to Judge Burroughs in a sealed envelope. If the Court so orders, SFFA will file redacted versions of the Letter and appendices (along with unredacted versions of the exhibits) publicly on the Court's electronic document filing system.

WHEREFORE, SFFA respectfully submits this motion, which gives the Court the option to allow the Letter and its attachments to be impounded until further order of the Court and to be viewed only by the Judge, her clerk(s), and Court personnel.

Respectfully submitted,

By: /s/ Benjamin C. Caldwell
Benjamin C. Caldwell

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Dated: July 8, 2016

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*Counsel for Plaintiff Students for Fair
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CERTIFICATE OF CONFERENCE

In accordance with Local Rules 7.1(a), I hereby certify that counsel for all parties has conferred in a good faith attempt to resolve or narrow the issues involved in this motion.

/s/ Benjamin C. Caldwell
Benjamin C. Caldwell

CERTIFICATE OF SERVICE

In accordance with Local Rule 5.2(b), I hereby certify that this document was filed through the Court's ECF system on July 8, 2016 and will be sent electronically to the registered participants identified on the Notice of Electronic Filing. A courtesy copy of the unredacted Letter referenced herein is being hand-delivered to the Court; a copy is also being provided to opposing counsel.

/s/ Benjamin C. Caldwell
Benjamin C. Caldwell

4835-9326-1364.1